



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Milwaukee Area Office

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Charge Number: 443-2016-00305

JEFFREY JOHNIKIN
5530 N. 76TH STREET
#2
MILWAUKEE, WI 53218

Charging Party

V.

C&D TECHNOLOGIES
900 E. KEEFE AVE.
MILWAUKEE, WI 53212

Respondent

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the subject charge filed under Title I of the Americans with Disabilities Act of 1990, as amended (ADAAA).

The Respondent is an employer within the meaning of the ADAAA and all requirements for coverage have been met.

Charging Party alleged that Respondent discriminated against him by denying him a reasonable accommodation and discharging him on the basis of his disability.

I have considered all the evidence disclosed during the investigation and find that there is reasonable cause to believe that Respondent violated the ADAAA when it denied the Charging Party and a class of employees reasonable accommodations and discharged them because of their disabilities.

I further find that the evidence disclosed during the investigation shows that Respondent violated the ADAAA when it entered into a contractual agreement with the United Steel Workers Local 322 which had the effect of subjecting Charging Party and a class of employees with disabilities to unlawful discrimination by limiting the amount of leave available to these employees and discharging them rather than allowing additional leave as a reasonable accommodation.

This determination is final. When the Commission finds that violations have occurred, it

attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, I invite the parties to join with the Commission in reaching a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made only in accordance with the Commission's Procedural Regulations (29 CFR Part 1601.26).

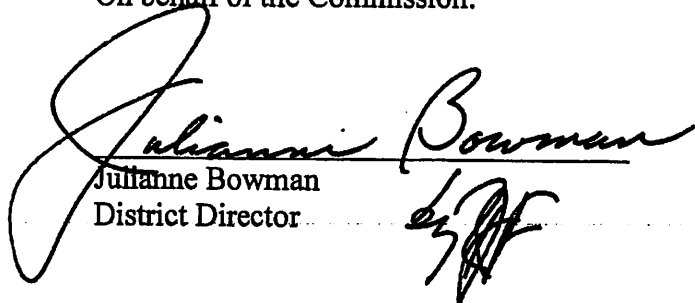
If the Respondent wishes to accept this invitation to participate in conciliation efforts, it may do so at this time by proposing terms for a conciliation agreement. That agreement should be provided to the Commission representative within (14) days of the date of this determination. The remedies for violations of the statutes we enforce are designed to make the identified victims whole, and to provide corrective and preventative relief. These remedies may include, as appropriate, an agreement by the Respondent not to engage in unlawful employment practices, placement of identified victims in positions they would have held but for discriminatory actions, back pay, restoration of lost benefits, injunctive relief, compensatory and/or punitive damages, and notice to employees of the violation(s) and the resolution of the claim.

Should the Respondent have further questions regarding the conciliation process or the conciliation terms it would like to propose, we encourage it to contact the assigned Commission representative. Should there be no response from the Respondent within (14) days, we may conclude that further conciliation efforts in this matter would be futile or non-productive.

On behalf of the Commission:

APR 11 2017

Date


Julianne Bowman
District Director

cc:

Attn: Paul Sanger, Human Resources Manager
C&D Technologies
9000 E. Keefe Ave.
Milwaukee, WI 53212